

**LOCAL SCHOOL GOVERNANCE AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kenneth W. Sumsion**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill allows a school to modify the composition, powers, and duties of a school community council.

**Highlighted Provisions:**

This bill:

- ▶ allows a school to establish a nine-member school community council consisting of eight parent or guardian members and one teacher if an initiative petition is presented to the principal signed by the parents or guardians of more than 50% of the students enrolled in the school;

- ▶ expands the powers and duties of a school community council established pursuant to an initiative petition to include the authority to:

- select the school principal and each educator from a list of candidates provided by the school district; and

- request the transfer of the school principal or an educator; and

- ▶ prohibits a school principal or educator who is the subject of a school community council request for transfer from continuing to serve at the school beyond the end of the employee's contract year.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1a-108**, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332

ENACTS:

**53A-1a-108.1**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-1a-108** is amended to read:

**53A-1a-108. School community councils authorized -- Duties -- Composition -- Election procedures and selection of members.**

(1) As used in this section:

(a) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who is attending the school or who will be enrolled at the school at any time during the parent's or guardian's initial term of office.

(ii) "Parent or guardian member" may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week.

(b) "School employee member" means a member of a school community council who is a person employed at a school by the school or school district, including the principal.

(2) Each public school, in consultation with its local school board, shall establish a school community council at the school building level.

(3) (a) Each school community council shall:

(i) develop a school improvement plan in accordance with Section 53A-1a-108.5;

(ii) develop the School LAND Trust Program in accordance with Section 53A-16-101.5;

(iii) assist in the development and implementation of a staff professional development plan as provided by Section 53A-3-701;

(iv) develop a child access routing plan in accordance with Section 53A-3-402; and

(v) advise and make recommendations to school and school district administrators and the local school board regarding the school and its programs, school district programs, and

other issues relating to the community environment for students.

(b) In addition to the duties specified in Subsection (3)(a), a school community council for an elementary school shall develop a reading achievement plan in accordance with Section 53A-1-606.5.

(4) (a) ~~[Each]~~ Except as provided in Section 53A-1a-108.1, a school community council shall consist of school employee members and parent or guardian members in accordance with this section.

(b) Except as provided in Subsection (4)(c):

(i) each school community council for a high school shall have six parent or guardian members and five school employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have four parent or guardian members and three school employee members, including the principal.

(c) (i) A school community council may have a larger membership provided that the number of parent or guardian members exceeds the number of school employee members.

(ii) A school community council may have a smaller membership provided that:

(A) the number of parent or guardian members exceeds the number of school employee members; and

(B) there are at least two school employee members on the school community council.

(5) (a) Each school employee member, except the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.

(b) (i) Each parent or guardian member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.

(ii) Only parents or guardians of students attending the school may vote at the election under Subsection (5)(b)(i).

(iii) Any parent or guardian of a student who meets the qualifications of this section may file or declare himself as a candidate for election to a school community council.

(c) (i) The principal of the school, or the principal's designee, shall provide notice of the available community council positions to school employees, parents, and guardians at least 14 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b).

(ii) The notice shall include:

(A) the dates and times of the elections;

(B) a list of council positions that are up for election; and

(C) instructions for becoming a candidate for a community council position.

(iii) The principal of the school, or the principal's designee, shall oversee the elections held under Subsections (5)(a) and (5)(b).

(iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box[;].

(d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.

(e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.

(iii) The chair of the community council shall notify the local school board of each appointment made under Subsection (5)(e)(i)[;] or (ii)[~~or (iii)~~].

(iv) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a two-year term.

(f) Initial terms shall be staggered so that no more than 50% of the council members stand for election in any one year.

(g) (i) Each public school, in consultation with its local school board, shall set the beginning date of the term of office for school community council members.

(ii) Council members may serve up to three successive terms.

(h) (i) Each school community council shall elect a chair and vice chair from its parent or guardian members and elected employee members.

(ii) No more than one parent or guardian member or elected employee member may at the same time serve as an officer specified in Subsection (5)(h)(i).

(6) (a) A school community council may create subcommittees or task forces to:

(i) advise or make recommendations to the council; or

(ii) develop all or part of a plan listed in Subsection (3).

(b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.

(c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.

(7) (a) A school community council shall provide the following information:

(i) the proposed school community council meeting schedule for the year, provided during the first two weeks of the school year;

(ii) a summary of the school community council's actions and activities during the first half of the school year information, provided at the mid-point of the school year; and

(iii) a summary of the annual report required under Section 53A-16-101.5 on how the school's School LAND Trust Program monies were used to enhance or improve academic excellence at the school and implement a component of the school's improvement plan, provided at the beginning of the next school year.

(b) The school community council shall provide the information described in Subsection (7)(a) by:

(i) posting the information on the school's website; and

(ii) providing individual delivery to each household that has a student attending the school by:

(A) mailing the information;

(B) delivering a voice message describing the information and explaining where to obtain the full information;

(C) sending an e-mail message containing the information;

(D) providing the information in a packet that is to be delivered to a student's parent or guardian:

(I) during the school's annual registration period; or

(II) with the student's report card; or

(E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through (D).

(8) A school community council shall, at least one week prior to a meeting, post the

following information on the school's website:

- (a) notice of the meeting date, time, and place;
- (b) an agenda for the meeting; and
- (c) a summary of the previous meeting.

Section 2. Section **53A-1a-108.1** is enacted to read:

**53A-1a-108.1. Modified school community council.**

(1) As used in this section, "educator" means a person who:

- (a) holds a license as defined in Section 53A-6-103; and
- (b) is assigned to a single school.

(2) In accordance with this section, a school may modify the composition, powers, and duties of a school community council as specified in Section 53A-1a-108.

(3) A school may establish a nine-member school community council consisting of eight parent or guardian members, as defined in Section 53A-1a-108, and one teacher who is employed at the school if an initiative petition is presented to the principal signed by a parent or guardian of more than 50% of the students enrolled in the school.

(4) A school community council established pursuant to Subsection (3):

(a) shall have the powers and duties of a school community council as specified in Section 53A-1a-108;

(b) shall select the school principal and each educator employed at the school from a list of candidates for the position provided by the school district; and

(c) may submit a written request to the school district superintendent to transfer from the school the school principal or an educator employed at the school.

(5) (a) A request for the transfer of the school principal or an educator shall:

- (i) require a two-thirds vote of the members of a school community council; and
- (ii) state the reasons for the request.

(b) A school principal or educator who is the subject of a school community council request for a transfer may not serve at the school whose school community council made the request beyond the end of the employee's contract year.

(c) In accordance with school district policies, the school principal or educator may apply for a transfer to another school within the school district.

(6) (a) (i) The election procedures and term of office for a parent or guardian member

183 of a school community council as specified in Section 53A-1a-108 shall apply to a parent or  
184 guardian member of a school community council established pursuant to Subsection (3).

185 (ii) If a parent or guardian position on a school community council established  
186 pursuant to Subsection (3) remains unfilled after an election is held, the school principal shall  
187 appoint a parent or guardian as defined in Section 53A-1-108 to fill the position.

188 (b) (i) The election procedures and term of office for a school employee member of a  
189 school community council as specified in Section 53A-1a-108 shall apply to a teacher who is a  
190 member of a school community council established pursuant to Subsection (3).

191 (ii) If the teacher position remains unfilled after an election is held, the school principal  
192 shall appoint a teacher to fill the position.

193 (7) An initiative petition to modify the composition, powers, and duties of a school  
194 community council shall explain how the composition, powers, and duties of the school  
195 community council will change under Subsection (5) if the initiative is signed by a parent or  
196 guardian of more than 50% of the students enrolled in the school.

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**Legislative Review Note**  
**as of 12-11-08 11:08 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 315 - Local School Governance Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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